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PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District: <u>Western</u>
Name (under which you were convicted): <u>Michael A. Payne (here and after Michael Payne)</u>		Docket or Case No.: <u>200617798</u>
Place of Confinement: <u>Allegheny County Jail</u> <u>950 2ND AVE. 3E. Pittsburgh PA 15219</u>		Prisoner No.: <u>89918</u>
Petitioner (include the name under which you were convicted) <u>Michael A. Payne</u> <u>(here and after Michael Payne) or</u> <u>(Petitioner)</u>		Respondent (authorized person having custody of petitioner) <u>1. Commonwealth of Pennsylvania Respondants,</u> <u>2. Allegheny County Court House 436 Grant St.</u> <u>3. Allegheny County Jail And 4. Allegh-</u> <u>eny County Adult Probation</u>
The Attorney General of the State of <u>Pennsylvania</u>		

PETITION

RECEIVED

MAY 21 2012

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

Allegheny County Court House 436 Grant St.
Pittsburgh Pa. 15219CLERK; U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

- (b) Criminal docket or case number (if you know):
- 200617798

2. (a) Date of the judgment of conviction (if you know):
- 7/22/08 ?

- (b) Date of sentencing:
- 7/22/08

3. Length of sentence:
- 5 yrs County Probation, 10 yrs Megan's Law

4. In this case, were you convicted on more than one count or of more than one crime?
- ☒
- Yes
- ☐
- No

5. Identify all crimes of which you were convicted and sentenced in this case:

Indecent Assault Ct. 2. 10 yrs Megan's Law Ct. 4. Corruption
5 yrs. Probation of a minors.

6. (a) What was your plea? (Check one)

☐ (1) Not guilty ☐ (3) Nolo contendere (no contest)

☒ (2) Guilty ☐ (4) Insanity plea

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(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? I Plead guilty to Ct. 2. And Ct. 4 Corruption of a Minor (Ct 4). And (Ct. 2.) Indecent Assault. Changes withdrawn/Not guilty to: Ct. 1 I.D.S.I. w/Child, and Ct. 3 Indecent Exposure.

~~(c)~~ If you went to trial, what kind of trial did you have? (Check one) **No Trial.**

☐ Jury ☐ Judge only ☒ Plea Agreement

~~(d)~~ Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☐ Yes ☒ No

~~(e)~~ Did you appeal from the judgment of conviction?

☐ Yes ☒ No

~~(f)~~ If you did appeal, answer the following:

(a) Name of court:

(b) Docket or case number (if you know):

(c) Result:

(d) Date of result (if you know):

(e) Citation to the case (if you know):

(f) Grounds raised:

~~(g)~~

Did you seek further review by a higher state court?

☐ Yes ☒ No

If yes, answer the following:

~~(1)~~ Name of court:

~~(2)~~ Docket or case number (if you know):

~~(3)~~ Result:

~~(4)~~ Date of result (if you know):

~~(5)~~ Citation to the case (if you know):~~(6)~~ Grounds raised:~~(10)~~ Did you file a petition for certiorari in the United States Supreme Court?☐ Yes☒ No

If yes, answer the following:

~~(11)~~ Docket or case number (if you know):~~(12)~~ Result:~~(13)~~ Date of result (if you know):~~(14)~~ Citation to the case (if you know):

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? ☒ Yes ☐ No

11. If your answer to Question 10 was "Yes," give the following information:

- (a) (1) Name of court: Allegheny County Courthouse Criminal Division
436 Grant St. Pittsburgh Pa. 15219.
 (2) Docket or case number (if you know): 200617798
 (3) Date of filing (if you know): (Court Records) see Allegheny County Docket
 (4) Nature of the proceeding: Petition / motion to Modify Illegal Sentence
 (5) Grounds raised:
1. Illegal Modification and/or Double Jeopardy
2. Illegal / False Imprisonment over MAX of Plea Agreement.
3. Illegal / False ARREST by P.O. Bowman For False Violation (said Probation Violation).
4. Illegal enhancement by P.O. Bowman by Adding New Condition (Acting as a Judge) without Due Process.
5. Illegal / False Imprisonment as a result of P.O. Bowman's False ARREST on False Probation Violation.

- (6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes☒ No(7) Result: No Answer(8) Date of result (if you know): No Responds / Answer

(b) If you filed any second petition, application, or motion, give the same information:

- (1) Name of court: Allegheny County CourtHouse Criminal Division
- (2) Docket or case number (if you know): 200617798
- (3) Date of filing (if you know): See Allegheny County Docket (Court Records)
- (4) Nature of the proceeding: Petition for an answer
- (5) Grounds raised: The same ~~(5) Five~~ in the Petition/Motion to modify an Illegal Sentence.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

(7) Result: No Responds

(8) Date of result (if you know): No Responds

(c) If you filed any third petition, application, or motion, give the same information:

- (1) Name of court: Allegheny County CourtHouse Criminal Division
- (2) Docket or case number (if you know): 200617798
- (3) Date of filing (if you know): (Court Records) Allegheny County Docket
- (4) Nature of the proceeding: Writ of Habeas Corpus
- (5) Grounds raised:
 1. Illegal Modification ~~and~~ OR Double Jeopardy
 2. P.O. Acted as a Judge, and Illegally added a condition to my sentence, without due process and a hearing (Condition not in my sentencing order).
 3. Illegal / False arrest by P.O. Bowman, for a false violation.
 4. Illegal / False imprisonment as a result of P.O. Bowman's False arrest on false Probation violation.
 5. Illegal / False imprisonment, as I'm over my MAX of my Plea Agreement.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

(7) Result: No Answer

(8) Date of result (if you know): No Answer

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: ☐ Yes ☒ No

(2) Second petition: ☐ Yes ☒ No

(3) Third petition: ☐ Yes ☒ No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

local Government interference by Not Acting with Due Diligence, and Denying Due Process by Failure to Respond or Give Final Judgment on Documents Filed.

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: Denial of Due process and/or Access to the Court, 5th, 6th, 8th, and 14th Amendment Violations under U.S. Constitution

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

I have Filed Petitions/Motions and a writ of Habeas Corpus. I have Requested for the Public Defender's office to help me in this matter. Neither the Allegheny County Courts of the Criminal Division nor The Public Defender's office have done anything to help or have they wrote me back or called me for a hearing on the Petitions Filed (Motions and writs). I was also, told at a file violation Hearing 20 months ago. I was not allowed to say anything. This was said by P.D. and Judge. See Exhibit "A" sworn Affidavit/Complaint.

(b) If you did not exhaust your state remedies on Ground One, explain why: Petition/Motions and writ of Habeas Corpus was Just Filed. See Allegheny County Court Docket for All Filed, And on Neither one, did the Courts Set a Court date for a hearing or send me a Final order/Judgment for these Documents so that I could Appeal. See Allegheny County Court Record.

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~~X~~ Direct Appeal of Ground One: No Appeal~~X~~ If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No~~X~~ If you did not raise this issue in your direct appeal, explain why: Can't Appeal because Reason(s) stated in 12(a) and (b). I have NO Final order or Judgment Courts Refuse to write Back or call for Hearing or Release from the Allegheny County Jail.

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Writ of Habeas Corpus

Name and location of the court where the motion or petition was filed:

Allegheny County Court House 436 Grant St. Pittsburgh Pa 15219
U.S. District Court, Western District of Pennsylvania, under Ct# 200617798Docket or case number (if you know): 200617798Date of the court's decision: No DecisionResult (attach a copy of the court's opinion or order, if available): No Respond From Allegheny County Court House 436 Grant St. U.S. District told me to Put Claims/Grounds on these Form and ReFiled by 5/30/12.

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☒ No~~X~~ (4) Did you appeal from the denial of your motion or petition? No Responds ☒ Yes ☐ No~~X~~ (5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No~~X~~ (6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

~~X~~ Allegheny County Court House and
U.S. District Court, Western District of Pennsylvania.Docket or case number (if you know): C.A. 12-609Date of the court's decision: No RespondsResult (attach a copy of the court's opinion or order, if available): Waiting

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

No Responds and No Final Judgment to Appeal
From the Allegheny County Court House 436 Grant St.
Pittsburgh Pa. 15219. In violation of the 5th, 6th, 8th, and
14th Amendment of the U.S. Constitution.

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One:

I ask for Help From P.D.'s office, The Allegheny County Jail and my S.R.S. worker. ~~██████████~~ I have sent, just recently my P.O. and his SUPERVISOR a Nother letter, and have Petition the Courts. see Exhibit "B".

GROUND TWO:
Illegal Modification and/or Double Jeopardy. ^{Violation of} 5th, 6th, 14th Amend-
ment ~~██████████~~ under U.S. Constitution and the 4th Amendment as well.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

on 7/22/08 I was sentence to 5 yrs ~~██████████~~ County Probation to Run ~~██████████~~ Concurrent with Count #2 (see sentencing order).
10 yrs Megan's Law Under ~~██████████~~ Section 2-Part B.

on 4/24/09, My sentence was changed to Two (2) yrs in a state Correctional Institution (Count. 2) And on Count 4 (to Run Consecutive to Count 2) 5 yrs County Probation. on 9-9-10 Petitioner MAXED his 2 yrs sentence Returned Home. only to be Arrested the very next day at his P.O. office. For going to his Address where Judge never made it a condition or order that he was Not Allowed to Return (home) to this address. see Exhibit "A"

(b) If you did not exhaust your state remedies on Ground Two, explain why:

on 12-3-10. At the hearing Due Process was violated. Petitions/Motion was Filed, AS well as a writ of Habeas Corpus. Allegheny Court House 436 Grant St. And P.D.'s office REFUSE to help, hold a Hearing And give a Final Order/Judgment to any of the documents Filed.

~~(c)~~ **Direct Appeal of Ground Two:**

~~(1)~~ If you appealed from the judgment of conviction, did you raise this issue?

☐ Yes ☒ No

~~(2)~~ If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: WRIT of Habeas Corpus

Name and location of the court where the motion or petition was filed: Allegheny County Court House 436 Grant St. Pittsburgh Pa. 15219. and In The U.S. District Court, Western ~~██████████~~ District of Pennsylvania (cc# 200617798).

Docket or case number (if you know): 200617798

Date of the court's decision: No Decision

Result (attach a copy of the court's opinion or order, if available): No Responds From Allegheny County Court House 436 Grant St. Pittsburgh Pa. 15219. U.S. District Court told me to ReFile on this Form by 5/30/12 (Western District).

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No

☒ Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

☒ If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

☒ If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

U.S. District, Western District
Court,

Docket or case number (if you know): C.A. 12-609

Date of the court's decision: waiting

Result (attach a copy of the court's opinion or order, if available): waiting

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

No Responds or Final Judgment From Allegheny County Court House 436 Grant St. Pittsburgh Pa. 15219. So that an Appeal can be Filed. In violation of Due process under 4th, 5th, 6th, 8th, and 14th Amendment U.S. Constitution.

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you :

have used to exhaust your state remedies on Ground Two : I ask for help from P.O.'s office, The Allegheny County Jail and my J.R.S. worker, I have sent, just recently my P.O. and his supervisor a letter, and I petitioned the courts (Allegheny Court House). See Exhibit "B" and Court Docket.

GROUND THREE: Violation of the 4th, 5th, 6th, 8th, and 14th Amendment of The U.S. Constitution, As P.O. Bowman Added a Condition (enhanced) Changing my sentence By Acting as a Judge. And Arresting me for my Address.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

P.O. Bowman. Arrested Petitioner on 9-10-10. For (a False violation) Returning to his Address that's Registered with state Police and local Courts. In Petitioner sentencing order there is No Condition that Restrict him from being at that address. The Facts is he was Sentenced under Section 2-Part B. of the Megan's Law. And under this section he can live where ever he wants. see Exhibit "A"

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(b) If you did not exhaust your state remedies on Ground Three, explain why?

ON 12-3-10, Due Process was violated. Petition/Motion, and a writ of Habeas Corpus was Filed with Allegheny County CourtHouse 436 Grant St. Pittsburgh and the PD's office Refuse to help, hold a hearing and give a Final order/Judgment

☒ Direct Appeal of Ground Three:

☒ If you appealed from the judgment of conviction, did you raise this issue?

☐ Yes ☒ No

☒ If you did not raise this issue in your direct appeal, explain why:

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: writ of Habeas Corpus

Name and location of the court where the motion or petition was filed: Allegheny County CourtHouse Pittsburgh Pa. 15219. And In the U.S. District Courts, Western District of Pennsylvania (cc # 200617798)

Docket or case number (if you know): 200617798

Date of the court's decision: No decision

Result (attach a copy of the court's opinion or order, if available): No Responds From Allegheny County CourtHouse 436 Grant St. Pittsburgh Pa. 15219. The U.S. District Courts told me to ReFile on this Form by 5/30/12 (Western District).

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☒ No

☒ Did you appeal from the denial of your motion or petition?

☐ Yes ☐ No

☒ If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

☒ If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: U.S. District Courts, Western District

Docket or case number (if you know): C.A. 12-609

Date of the court's decision: waiting

Result (attach a copy of the court's opinion or order, if available): waiting

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(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

No Responds or Final Judgment/Order From Allegheny County Courthouse 436 Grant St. Pittsburgh Pa. 15219. So that an Appeal can be file. In violation of Due Process under 4th, 5th, 6th, 8th, and 14th Amendment of the U.S. Constitution.

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you

have used to exhaust your state remedies on Ground Three: I ask for help from P.D.'s office, The Allegheny County Jail, I Petitioned the Allegheny Courthouse, I asked my J.R.S. worked, I have sent, Just Recently my Po. and his Supervisor a letter (not a letter). see Exhibit "B"

GROUND FOUR: Illegal/False Arrest by Po. Bowman. For a False Probation Violation. In violation of my U.S. Rights under the 4th, 5th, 6th, 8th, 13th and 14th Amendment U.S. Constitution.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

on 9-9-10, Petitioner Maxed his 2 YRS sentence in a state Correctional Institution. Returned to his home where he's registered at. Only to be Arrested the very next day by his P.O. Bowman, who Arrested him After Petitioner had explained to him that he was not a state or county state supervised Probation nor Parole, and that his sentencing order and sentencing transcripts state Nothing about Petitioner Not Allowed to Return Home (Address). Also, he was sentenced under Section 2 - Part B of the Megan's Law which allows him to live anywhere he wants, see Exhibit "A"

(b) If you did not exhaust your state remedies on Ground Four, explain why: on 12-3-10 at the hearing Due Process was violated. Petitioner Filed Petitions/Motion, and Writ of Habeas corpus in Allegheny County Courthouse 436 Grant St. And the PD's office Refuse to help, hold a hearing, and give a Final Order/Judgment to any of the documents filed.

☒ **Direct Appeal of Ground Four:**

☒ If you appealed from the judgment of conviction, did you raise this issue?

☐ Yes ☒ No

☒ If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Writ of Habeas Corpus

Name and location of the court where the motion or petition was filed: Allegheny County Courthouse
Pittsburgh Pa. 15219. And In the U.S. District Courts, Western Dist-
RICT of Pennsylvania (cc# 200617798).

Docket or case number (if you know): 200617798

Date of the court's decision: No decision

Result (attach a copy of the court's opinion or order, if available): No Responds From Allegheny County
Court House 436 Grant St. Pittsburgh Pa. 15219. The U.S. District Courts
told me to ReFile on this Form by 5/30/12 (Western District).

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☒ No

~~(X)~~ Did you appeal from the denial of your motion or petition?

☐ Yes ☐ No

~~(X)~~ If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

~~(X)~~ If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: U.S. District Court, Western
District

Docket or case number (if you know): [REDACTED] C.A. 12-609

Date of the court's decision: (No decision) waiting

Result (attach a copy of the court's opinion or order, if available): waiting

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

No Responds From the Allegheny County Courthouse 436 Grant
St. Pittsburgh Pa. 15219. NOR is there an order or Final Judgment
to be able to File an Appeal. IN Violation of Due Process
under the 4th, 5th, 6th, 8th, and 14th Amendment of U.S. Constitution
as they Refuse to Respond OR give a Final order.

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you

have used to exhaust your state remedies on Ground Four: I ask for help from PD's office,
the Allegheny County Jail, and my J.R.S. worker, I have sent, Just
Recently my Po. and his supervisor a Nother letter, and I Petitioned
the Courts. See Exhibit "B" and Court Docket.

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(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

(7) Result:

(8) Date of result (if you know):

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: ☐ Yes ☒ No(2) Second petition: ☐ Yes ☐ No(3) Third petition: ☒ Yes ☐ No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

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12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND FIVE: Illegal / False Imperisonment by Po. Bowman, In violation of the 4th, 5th, 6th, 8th, 13th, and 14th Amendment of the U.S. Constitution

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

on 9-9-10, Petitioner MAXED his 2 yr sentence only to be (Falsely) Arrested by his P.O. Bowman The Next day 9-10-10. For Returning home see Sworn Affidavit Attached as EX-hibit "A". The Condition stated by P.O. Bowman is not a Condition Made by the Sentencing Judge NOR Any Judge. Which Means it's A Fact that it's Not in Petitioner's sentencing ORDER NOR his sentencing TRANSCRIPTS. Which The Facts are Clear that P.O. Bowman Made up a False Violation and Condition which Caused Petitioner to be Falsely Imperisoned.

(b) If you did not exhaust your state remedies on Ground FIVE, explain why:

Petitions/Motions and a Writ of Habeas Corpus was Filed on this matter/grounds, No Responds From Allegheny County Courthouse, on Neither one Filed see Court Docket (Allegheny County Court Record). No Hearing was set NOR is there A Final Order/Judgement for these Documents to be Appealed.

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Page 12.2~~(X)~~ Direct Appeal of Ground ~~FOUR~~ FIVE:~~(X)~~ If you appealed from the judgment of conviction, did you raise this issue?☐ Yes☒ No~~(X)~~ If you did not raise this issue in your direct appeal, explain why:

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: WRIT of Habeas Corpus

Name and location of the court where the motion or petition was filed: Allegheny County Court-House Pittsburgh Pa 15219. and In the U.S. District Courts, Western District of Pennsylvania (CC# 200617798).

Docket or case number (if you know): 200617798

Date of the court's decision: No decision

Result (attach a copy of the court's opinion or order, if available): No Responds From Allegheny County Court-House 436 Grant St. Pittsburgh Pa. 15219. The U.S. District Courts told me to Re File on this Form by 5/30/12 (Western District)

(3) Did you receive a hearing on your motion or petition?

☐ Yes☒ No~~(X)~~ Did you appeal from the denial of your motion or petition?☐ Yes☐ No~~(X)~~ If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No~~(X)~~ If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: U.S. District Court, Western District

Docket or case number (if you know): C.A. 12-609

Date of the court's decision: waiting

Result (attach a copy of the court's opinion or order, if available): waiting

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

No Responds From the Allegheny County Court-House, Pittsburgh Pa. 15219., NOR IS THERE AN ORDER OR Final Judgment to be able to File an appeal. In violation of Due Process under 4th, 5th, 6th, 8th, 13th and 14th Amendment of the U.S. Constitution. As they Refuse to Respond OR give a Final order.

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(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have

used to exhaust your state remedies on Ground ~~FOUR~~ **FIVE**: I ask for help from P.D.'s office, the Allegheny County Jail, and my J.R.S. worker, I have sent, Just Recently my P.O. and his supervisor a nuther letter, and I Petitioned the Courts. See Exhibit "B" and Court Docket.

GROUND ~~FOUR~~ SIX: Illegal / False imprisonment as Petitioner is over his Max on his Plea Agreement in violation of the 4th, 5th, 6th, 8th, 13th, and 14th Amendment of the U.S. Constitution.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

on 7/22/08 Petitioner was sentenced to 5 YRS County Probation to Run Concurrent with 10 YRS Megan's Law. under section 2 - Part B. see Exhibit "A" Complaint / Sworn Affidavit, and Sentencing order (A.1 or (A)(A)).

(b) If you did not exhaust your state remedies on Ground ~~SIX~~ **SIX**, explain why:

Petitions / motions, and a writ of Habeas Corpus was Filed on this matter / grounds, No Responds from Allegheny County Court House, on Neither one Filed see Court Docket (Allegheny County Court Record). NO Hearing was set NOR is there a Final order / Judgment for these Documents to be Appealed.

☒ **Direct Appeal of Ground ~~SIX~~ SIX:**

☒ If you appealed from the judgment of conviction, did you raise this issue?

☐ Yes ☒ No

☒ If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Writ of Habeas Corpus

Name and location of the court where the motion or petition was filed: Allegheny County Court House Pittsburgh Pa. 15219, and The U.S. District Court, Western District of Pennsylvania (Case # 200617798).

Docket or case number (if you know): 200617798

Date of the court's decision: No decision

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Result (attach a copy of the court's opinion or order, if available): No Responds From Allegheny County Courthouse, Pittsburgh Pa 15219. The U.S. District Court, Western District told me to ReFile [REDACTED] on this Form by 5/30/12.

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No

~~(4)~~ Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

~~(5)~~ If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

~~(6)~~ If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: U.S. District Court, [REDACTED]
[REDACTED] Western District

Docket or case number (if you know): C.A. 12-609

Date of the court's decision: Waiting

Result (attach a copy of the court's opinion or order, if available): Waiting

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

No Responds From the Allegheny County Courthouse, Pittsburgh Pa. 15219, Nor is there an order or Final Judgment to be able to file an appeal. IN Violation of Due Process under 4th, 5th, 6th, 8th, 13th, and 14th Amendment of the U.S. Constitution. As they Refuse to Respond OR give a Final order.

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you :

have used to exhaust your state remedies on Ground [REDACTED] SIX: I ask for help from P.D.'s office, the Allegheny County Jail, and my J.R.S. worker, I have Sent Just Recently my P.O., and his supervisor a Nother letter, and I Petitioned the Courts. see Exhibit "B", and Court Docket.

[REDACTED]

~~(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.)~~

13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☐ Yes ☒ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them:

Grounds 1 through 6. Reason: local government interference, Denying (me) the Petitioner Due Process by Not Responding to Petitions/Motions, and the Writ of Habeas Corpus Filed in this matter. there's No Final Judgment or order on any of this Documents/Petitions filed in violation of 5th, 6th, 8th, and 14th Amendment of U.S. Constitution. See Court Docket.

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so,

ground or grounds have not been presented, and state your reasons for not presenting them:

VIOLATION OF DUE PRECESS (Ground 1). Reason: Because I Filed the Petitions/Motion, and Writ of Habeas Corpus in the Court of Allegheny County, Now by them Not Responding or given me a Final order/Judgment, Denying me Due Process and the ONLY way I can get Due Process and be Relief is in this U.S. (Courts) District Court, Western District of Pennsylvania.

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☒ Yes ☐ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the

raised. Allegheny County CourtHouse 436 Grant St. Pittsburgh Pa. 15219. I Filed Petition/Motion to Modify Illegal sentence, and Petition for an Answer (on the Petition to Modify). Then I Filed a Writ of Habeas Corpus. All was filed in the Criminal Division of Allegheny County CourtHouse. under CC # 200617798. Judge: Borkowski, on these grounds Raised Now, ground 1 Due Process, Just been Raised in this Petition.

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16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: ~~P.D.'s office~~ Ralph Karsh

(b) At arraignment and plea: ~~P.D.'s office~~ Ralph Karsh

~~(c) At trial:~~ Plea: ~~P.D.'s office~~ Ralph Karsh
P.D.'s office

(d) At sentencing: [REDACTED] [REDACTED]

(e) On appeal: Abandon (also by P.D.'s office)

(f) In any post-conviction proceeding: Abandon (also by P.D.'s office)

(g) On appeal from any ruling against you in a post-conviction proceeding: Abandon (also by P.D.'s office)

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☐ Yes ☒ No

~~(a)~~ If so, give name and location of court that imposed the other sentence you will serve in the future:

~~(b)~~ Give the date the other sentence was imposed:

~~(c)~~ Give the length of the other sentence:

~~(d)~~ Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☐ Yes ☒ No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

① False / Illegal Arrest, ② False (Illegal) Imprisonment
③ Illegal Sentence, ④ Illegal Modification of a sentence
Does not have a statute of limitation when a person is
still suffering as a result of Denial of Liberty and
Due process by Government officials Wherefore →

Petitioner Prays that this Honorable Court Grant this Proceeding and not dismiss it as Petitioner have been Illegally housed, ~~imprisoned~~ imprisoned with out a sentence, Charge or **FOR A legal** Probation violation. I NEVER even Received A Detainer sheet/Notice. Im Just imprisoned now 20 months any will Remain Illegally imprisoned if this Honorable Court don't Grant Relief.

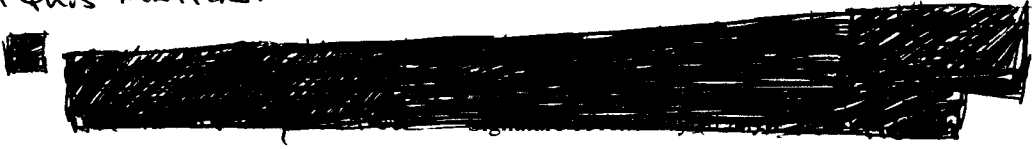
* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief: Immediate Release from Custody from Warden Stickman of the Allegheny County Jail ② Request Criminal / Federal Charges against P.O. Thomas W. Bowman, and his supervisor Jeffery G. Ayres. ③ Request Compensation Damages from each Defendant in there official and individual Capacity in the amount of \$250,000.00 or any other relief to which petitioner may be entitled.

* Request if the Honorable Courts can grant (me) Petitioner an Attorney in this matter.



I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on May, 16 2012 (month, date, year).

Executed (signed) on May, 16 2012 (date).

Michael Payne #89918

Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.